

### REMARKS

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-44 are pending, with Claims 30-44 withdrawn from consideration.

### Amendments to the Claims

Claims 1-29 have been examined with no claims being allowed.

Claim 1 has been amended to include the limitation of pushing the opposing side panels onto the body portion a distance toward one another at the same time that the vacuum force is holding the body portion on the conveyor. Similarly, Claim 14 has been amended to include the limitation of the device for pushing the side panels onto the body portion being operable while the vacuum is holding the body portion on the conveyor. Support for these limitations is provided at page 15, lines 18-24, and page 16, lines 16-33, and in Figs. 3 and 5.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims remains unchanged.

### Information Disclosure Statement

The Examiner has indicated that the information disclosure statement filed 30 March 2004 fails to comply with 37 CFR 1.98(a)(2). However, 37 CFR 1.98(d) provides the following:

A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

(1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and

(2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

The subject patent application is a divisional application of U.S. Patent Application Serial No. 09/967,024 (now U.S. Patent No. 6,723,035), which is properly identified in the information disclosure statement filed 30 March 2004. The information disclosure statement filed 30 March 2004 is cumulative of each of the information disclosure statements filed in the parent case, each of which complied with paragraphs (a) through (c) of 37 CFR 1.98. Therefore, Applicants respectfully request the Examiner's acknowledgment of consideration of each of the cited references on Form PTO-1449 filed with the information disclosure statement on 30 March 2004.

#### **Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 1-5, 7-20, 23, and 25-28 under 35 U.S.C. §102(b) as being anticipated by Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") is respectfully traversed.

Westphal et al. disclose a method for inverting and/or tucking a child's training pant or the like. According to the method of Westphal et al., a pant garment is conveyed sideways between a pair of conveyor belt assemblies each in combination with a suction system. When the pant garment reaches the end of the conveyor, a plunger head pushes the garment off of the conveyor belt assemblies and into a folding and pleating cone. Once the garment is pushed through the cone, the garment is then passed onto a pair of pleating rods. The folding and pleating cone forms the garment into a somewhat flat configuration, while the pleating rods push the side portions of the garment into the body portion of the garment.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Westphal et al. do not disclose each and every element or limitation of amended Claim 1. Applicants' invention as recited in independent Claim 1 requires that the opposing side panels of the garment be pushed onto the body portion a distance toward one another while, *at the same time*, the

vacuum force is holding the body portion on the conveyor. In contrast, Westphal et al. disclose a tucking step that occurs after the garment is removed from the conveyor belt assemblies and suction systems.

Similarly, Applicants' invention as recited in independent Claim 14 requires the apparatus to include a device for pushing the side panels onto the body portion while, *at the same time*, the vacuum is holding the body portion on the conveyor. In contrast, the apparatus in Westphal et al. includes a tucking device that performs the tucking operation on a garment after the garment has been removed from the conveyor belt assemblies and suction systems.

More particularly, as shown in Fig. 1 and described at Col. 6, lines 1-7, of Westphal et al., the plunger head 148 and the folding and pleating cone 150 are disposed on opposite sides of the conveyor assemblies 32, 34. The plunger head is disposed on a first side of the conveyor assemblies and the cone is disposed on a second side of the conveyor assemblies, such that when a garment is aligned on the conveyor assemblies between the plunger head and the cone, the plunger head is then pushed from the first side into the garment, and both the plunger and the garment are then pushed into the cone on the second side of the conveyor assemblies. Since the tucking takes place on the pleating rods extending from an end of the cone opposite the conveyor assemblies, the garment is not in contact with the conveyor assemblies or the suction system when the side portions of the garment are pushed onto the body portion of the garment.

With respect to the Examiner's comments regarding Claim 20, the divergence and subsequent convergence in this distance is illustrated in Fig. 12 of the present application. More particularly, in Claim 20 the upper and lower conveyors converge toward a finishing end portion of the conveyors. In contrast, Westphal et al. disclose just the opposite, wherein the conveyor assemblies diverge toward a finishing end portion of the conveyors (Col. 5, lines 8-11).

For at least the reasons presented above, Applicants respectfully submit that Claims 1 and 14 are not anticipated by Westphal et al. Because Claims 2-5 and 7-13 depend from Claim 1, and Claims 15-20, 23, and 25-28 depend from

Claim 14, these claims are also not anticipated by Westphal et al. Thus, Applicants respectfully request withdrawal of this rejection.

### **Claim Rejections - 35 U.S.C. §103**

#### **A. Westphal et al.**

The rejection of Claim 29 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Westphal et al. fail to disclose or suggest a device for pushing side panels onto a body portion of a garment while, at the same time, a vacuum is holding the body portion on a conveyor. Furthermore, in Westphal et al., garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in the present invention proceed along a conveyor. Because the garments in Westphal et al. are conveyed in a completely different orientation than the garments in the present invention, the apparatus of the two inventions necessarily differ from one another, with one of the differences being that the garments in Westphal et al. are removed from the conveyor and suction systems prior to and separate from being subjected to a device for pushing in the side portions of the garments.

As pointed out by the Examiner, Westphal et al. also fail to disclose a driven stacker assembly having at least two stacker finger units. However, even if a driven stacker assembly were combined with the apparatus of Westphal et al., there is still no suggestion or motivation to modify the apparatus of Westphal et al. in such a manner that the side panels may be pushed onto a body portion of a garment while a vacuum is holding the body portion on a conveyor. Such a modification would require drastic changes to the method as well as to the apparatus of Westphal et al., none of which are suggested therein.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**B. Westphal et al. in view of Kober**

The rejection of Claims 6, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910) in view of Kober (U.S. Patent No. 5,300,007) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, there are vast differences between the method and apparatus of Westphal et al. and the method and apparatus of Applicants' Claims 1 and 14, respectively. In particular, Westphal et al. fail to disclose or suggest pushing opposing side panels onto a body portion of a garment toward one another while a vacuum force is holding the body portion on a conveyor, or a device for pushing side panels onto a body portion while a vacuum is holding the body portion on a conveyor. Instead, in Westphal et al. the garments are released from the vacuum forces and are shaped into a semi-flattened state prior to pushing the side portions of the garment inward.

The Examiner suggests that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Westphal's folding pusher and arms as shown in Figs. 10-12 by using fluid streams, as suggested by Kober. However, since the garments in Westphal et al. are in a semi-flattened state and are not held in place with a vacuum when the side portions of the garment are pushed inward, it would be extremely difficult, if not impossible, to use the fluid streams of Kober to push the side portions inward.

Furthermore, since the garments in Westphal et al. are conveyed along the conveyor assemblies in a sideways manner, as described above, it would be just as difficult to attempt to use the fluid streams of Kober to push the side portions of the garments inward while the garment is held on the conveyor by the vacuum forces, since such a feat would require inserting a fluid stream between the conveyor assemblies and in between garments along the conveyor path.

Additionally, Applicants' claimed method and apparatus can be used to tuck side panels in garments that are either fastened (or permanently bonded) at the sides, or in an open state. The tucking in Westphal et al. is carried out on garments

that are in a fastened (or permanently bonded) state, whereas the folding in Kober is carried out on open products, i.e., towels.

Because the method of Kober is incompatible with the method of Westphal et al. in several ways, there is no suggestion to combine these references.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal et al. in view of Kober fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Allowable Subject Matter**

The Examiner has indicated that Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. For the reasons presented above, Applicants believe that amended Claim 14 is also allowable. Thus, Applicants sincerely believe that all claims depending from Claim 14, including Claim 24, are now in condition for allowance.

#### **Conclusion**

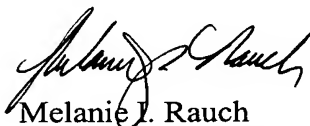
Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No. 10/813,517

Docket No.: KCC-15,622.1

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie J. Rauch". The signature is fluid and cursive, with the first name being the most prominent.

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